

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL FORSTL,

Plaintiff,

-v-

MORGAN CREEK CAPITAL MANAGEMENT, LLC *et al.*,

Defendants.
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24 Civ. 5691 (JPC)

ORDER


JOHN P. CRONAN, United States District Judge:

The Court previously ordered Plaintiff to amend his complaint to address deficiencies in establishing the Court’s jurisdiction under 28 U.S.C. § 1332. Dkt. 7. Unfortunately, the Amended Complaint, Dkt. 8 (“Am. Compl.”), has failed to fully address these concerns. As the Court previously explained, a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC as well as the place of incorporation and principal place of business of any corporate entities that are members of the LLC. *See Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000). The Amended Complaint alleges that Defendant Morgan Creek Capital Management, LLC is ultimately owned by Mark Yusko through MCCM Group, LLC. Am. Compl. ¶ 7. However, Plaintiff only alleges Yusko’s state of residence and not his citizenship. *Id.* This does not suffice; the pleadings must state the citizenship of natural persons. *E.g., Raymond v. Dias de Araujo*, No. 23 Civ. 7578 (PMH), 2023 WL 8947157, at *2 (S.D.N.Y. Dec. 28, 2023) (“[I]t is well established that a statement of residence, unlike domicile, tells the court only where the parties are living and not of which state they are citizens.” (quoting *Adrian Fam. Partners I, L.P. v. ExxonMobile Corp.*, 79 F. App’x 489, 491 (2d Cir. 2003))); *see Lee v. Charles*, No. 12 Civ. 7374, 2013 WL 5878183, at *3 (S.D.N.Y. Nov. 1, 2013).

Accordingly, it is hereby ORDERED that by August 9, 2024, Plaintiff shall amend his Amended Complaint to allege the citizenship of each of Morgan Creek Capital Management's members. If Plaintiff fails to amend the Amended Complaint by that date, or otherwise properly establish this Court's jurisdiction pursuant to 28 U.S.C. § 1332(a)(2), the Court may dismiss this action for lack of subject matter jurisdiction without further notice.

SO ORDERED.

Dated: August 2, 2024
New York, New York



JOHN P. CRONAN
United States District Judge